

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT.**

Public Servants – Transport Department – Sri G.V.Sambasivam, Junior Assistant, Office of the Regional Transport Officer, Tirupati– Allegation Of Corruption – Placed Before the Tribunal for Disciplinary Proceedings – Entitled for Benefit Of Doubt - Not Proved – Further action dropped - Treating the Suspension Period from 10.04.2002 to 28.02.2005 as Not On Duty — Review Petition filed – Rejected - O.A.No.5756 of 2009 filed – Dismissed - W.P.No. 12634 of 2014 filed – Judgment Pronounced by the A.P.High Court on 10.06.2014 - Treating the Suspension Period of Sri G.V. Sambasivam, Jr.Asst., O/o RTO, Tirupati w.e.f. 10.04.2002 to 28.02.2005 as “On Duty” – Orders - Issued.

**TRANSPORT, ROADS & BUILDINGS(VIG.TR.2)DEPARTMENT**

**G.O.Rt.No.170**

**Dated:09 .04.2015.**  
**Read the following:**

- 1)G.O.Rt.No.1280, TR&B (Vig.III.1) Department, Dated:7.12.2006.
- 2)From Sri G.V.Sambasivam, Junior Assistant, Representation Dated: 15.3.2007.
- 3)From the Transport Commissioner, Letter Rc.No.5481/V3/2002, Dated:7.2.2008.
- 4)Govt. Memo No.6890/Vig.III/A1/2002-10, Dated:13.11.2008 of Transport, Roads & Buildings Department
- 5)Orders of the Hon’ble APAT in O.A.No.5726 of 2009, Dt.28.02.2013
- 6) Orders of Hon’ble High Court of Judicature at Hyderabad for the State of Telangana and The State of Andhra Pradesh, Dated: 10.06.2014 in W.P.No.12634 of 2014.
- 7)From Sri G.V.Sambasivam, Junior Assistant Representation, Dated: 16.08.2014.

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**ORDER:**

In the G.O. first read above, orders were issued for dropping the charge framed against Sri G.V.Sambasivam, Junior Assistant, on the allegation that he demand and accepting the bribe, duly treating the Period of Suspension from 10.4.2002 to 28.2.2005 as “Not On Duty”.

2. In his Representation second read above, Sri G.V. Sambasivam, Junior Assistant, has requested the Government to review the orders issued in the G.O. first read above, for treating the suspension period as Not On Duty. Government, after careful examination of the Representation of Sri G.V.Sambasivam, have rejected the plea of the Review Petitioner for treating his suspension period as On Duty, vide reference 4<sup>th</sup> read above.

3. Aggrieved by the said Orders, Sri G.V.Sambasivam, Jr.Asst., has filed O.A.No.5726/2009 in the A.P. Administrative Tribunal, Hyderabad. The A.P.A.T., Hyderabad, in its Orders Dated:28.2.2013, dismissed the O.A. against the said Orders of APAT, Sri G.V. Sambasivam has filed W.P.No.12634/2014 in the A.P.High Court, Hyderabad. and the Hon’ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, in it’s Orders Dated:10.06.2014, in W.P.No.12364 of 2014 in the reference sixth read above, has decreed as follows:-

*.....allowing the W.P, setting aside the G.O.Rt.No.1280, T,R&B(VIG.III)Deptt., Dated:07.12.2006, in so far as it relates to treating the period of suspension as ‘Not On Duty’, and directed the Disciplinary Authority to take appropriate decision in terms of FR.54-B(3) of the Rules. In case the petitioner does not fall under Sub Rule(3), his case can be considered under sub-Rule(5) or Proviso to Sub-Rule(7)*

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*of the Rules. Rule 7(c) has to be read along with G.O.Ms.No.307, Finance(FR.II) Department, dated. 03.12.2012. there shall be no order as to costs. Miscellaneous petitions , if any, pending in this Writ Petition shall stands closed.*

4. Sri G.V.Sambasivam, Jr.Asst., in the reference seventh read above, while enclosing a copy of the Hon'ble High Court's Orders has submitted his representation to Government stating that, he had approached the Hon'ble High Court of Andhra Pradesh against the Govt. Orders of treating his Suspension Period as Not On Duty., that, the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, in it's Orders Dated: 10.06.2014 in W.P.No.12634 of 2014, set aside the G.O.Rt.No.1280, T,R&B(VIG.III)Deptt., Dated:07.12.2006, in so far as it relates to treating the period of suspension as 'Not On Duty', and directed the Disciplinary Authority to take appropriate decision., and in view of the above facts and circumstances of the case, he has humbly requested the Government to review the Orders passed in G.O.Rt.No. 1280, T,R&B(VIG.III)Deptt., Dated:07.12.2006, in so far as the decision relates to treatment of period of his suspension from 10.04.2002 to 28.02.2005 as 'Not On Duty' and to treat the said period as 'On Duty' for all purposes, i.e., Pay and Allowances, Increments, etc., and to pass such other Order or Orders as the Government may deem fit and proper.

5. Government, have examined the entire issue carefully with reference to the Fundamental Rules, in the light of the Orders of Hon'ble High Court, Dated:10.06.2014 in W.P.No.12634 of 2014 and have observed that "The Appeal Time of Ninety(90) Days, ordinarily, was already over by 09.09.2014. Balance of Convenience, therefore, lies in Implementing the A.P.High Court's Orders Dated:10.06.2014 in W.P.No.12634 of 2014 and to treat the period of suspension of the Govt. Employee as 'On Duty', by rescinding the earlier Govt. Orders issued vide G.O.Rt.No.1280, TR&B(Vig.III) Deptt, Dated: 7.12.2006, rather than preferring costly and time-consuming Appeal to the Supreme Court of India". Therefore, Govt. have decided to implement the A.P.High Court's Orders, Dated:10.06.2014 in W.P.No. 12634 of 2014, and to treat the period of suspension from 10.04.2002 to 28.02.2005 in respect of Sri G.V.Sambasivam, Jr.Asst., as 'Duty' for all purposes, in supersession of the earlier Orders issued in the G.O. first read above.

6. Government, therefore, after careful examination of the matter, hereby rescind the earlier Govt. Orders issued in the reference first read above for treating the suspension period of Sri G.V.Sambasivam, Jr.Asst , from 10.04.2002 to 28.02.2005 as 'Not On Duty', and accordingly order to treat the suspension period of the individual w.e.f.10.04.2002 to 28.02.2005 as 'On Duty', for all purposes, in compliance with the Orders of A.P.High Court Dated: 10.06.2014 in W.P.No.12634 of 2014.

7. The Transport Commissioner, Andhra Pradesh, Hyderabad shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B.SAM BOB  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
Sri G.V.Sambasivam, Junior Assistant, through the Transport Commissioner, Andhra Pradesh, Hyderabad.  
The Transport Commissioner, Andhra Pradesh Hyderabad.  
SF/SC's.

//FORWARDED:: BY ORDER//

SECTION OFFICER

